

Advisory Opinions on Consent Agenda - October 2021

Item #	Docket #	Caption	Analysis	Recommendation
GS3	2021-204	Request for an advisory opinion from Maghen Gagnard, employed by the West Feliciana Parish Sheriff's Office, relative to ownership in a restaurant that employs inmates of the West Feliciana Parish Detention Center. West Feliciana Parish has a population of 15,625.	Because Maghen and Grady Gagnard have a controlling interest in SHAVID, LLC, the business entity would be prohibited from contracting with her agency which includes the Transitional Work Program for which she is the facility coordinator. The contract between SHAVID, LLC and the Transitional Work Program executed on September 14, 2020 can continue through its term which ends September 14, 2021, however the contract cannot be renewed as long as Maghen Gagnard is employed with the Transitional Work Program.	Adopt the proposed advisory opinion draft.
GS4	2021-584	Advisory Opinion request from Deirdre Fontenot, Child Welfare Services Assistant with the Dept. of Children & Family Services in St. Mary Parish.	Section 1113A would not prohibit Deirdre Fontenot from applying to be certified as a foster home setting with DCFS, since the application process will be handled by a DCFS office outside of St. Mary or St. Martin Parishes, and all child placements would be handled by a DCFS office outside of St. Mary or St. Martin Parishes.	Adopt the proposed advisory opinion.
GS5	2021-597	A Request for an Advisory Opinion, submitted by Attorney Evan J. Bergeron, regarding whether the Code of Governmental Ethics would prohibit the receipt of travel expenses, per diem, or other compensation by state board or commission members who are also elected officials or the designee for elected officials.	Section 601 of the Rules for the Louisiana Board of Ethics requires that advisory opinions shall be filed by "affected persons" and that the person shall disclose his interest in the question present. Staff requested additional information from Mr. Bergeron as to the nature of his request. Mr. Bergeron responded that he did not have any specific names and that the "request is general in nature for a research project." Based on this statement, the Board should decline to render an opinion.	Decline to render advisory opinion.

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GS6	2021-710	Advisory Opinion request from Shawanda M. Woods-Smith, Director of Psychology Services, with the La. Dept. of Health, Office for Citizens with Developmental Disabilities, at Pinecrest Supports Services Center in Pineville.	Section 1111C(1)(a) will not prohibit Shawanda Woods-Smith from operating a private psychology practice, since she will not be providing private services related to individuals with intellectual and/or developmental disabilities who receive services through the LDH, Office for Citizens with Developmental Disabilities at Pinecrest.	Adopt the proposed advisory opinion.
GS7	2021-712	Advisory Opinion request from George J. Ledet, Jr., an appointed member of the Lafourche Parish Communications District.	Mr. Ledet's receipt of 911 recordings from the local District Attorney's office in connection with criminal matters presents no issues under the Code.	Adopt the proposed advisory opinions.
GS8	2021-715	Advisory Opinion request from Ernest Fruge, school psychologist/social worker with Calcasieu Parish School Board, regarding providing autism assessments to children.	Section 1111C(1)(a) prohibits Mr. Fruge from receiving compensation for autism assessments to any children who are eligible to receive the assessments through Calcasieu Parish schools, since autism assessments are included in the operations of Calcasieu Parish schools, and he has participated in those assessments as part of his job duties. However, Mr. Fruge would not be prohibited from providing assessments to children who are not enrolled in Calcasieu Parish schools, such as children in daycare and private school settings.	Adopt the proposed advisory opinion.

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GS9	2021-716	A Request for an Advisory Opinion, submitted by Ronnie Johns, regarding whether the Code of Governmental Ethics would prohibit his continued service as Chairman of the Louisiana Gaming Control Board while he serves on the Board of Directors of Lakeside Bank in Lake Charles, Louisiana.	Based on the facts presented, the Code does not prohibit Mr. Johns' continued service on the LGCB, as Chairman or otherwise, while he serves on the Lakeside Bank Board of Directors. La. R.S. 42:1111(C)(2)(d) prohibits a public servant and legal entity's in which the public servant owns more than twenty-five percent shall receive any thing of economic value for service rendered or to be rendered for any person from whom the public servant would be prohibited from receiving gifts in accordance with La. R.S. 42:1115(A)(1) or (B). Lakeside Bank does not have a contractual, business, or other financial relationship with his agency, the LGCB.	Adopt the proposed advisory opinion.
GS10	2021-717	Advisory opinion request regarding whether the Code of Governmental Ethics (Code) would prevent Purvis Morrison, an employee of the City of Opelousas, from seeking outside employment with Fenstermaker Engineering.	Section 1111C(2)(d) does not prohibit Mr. Morrison from being employed part-time by Fenstermaker, since it does not have, and is not seeking to obtain, a contractual, business or financial relationship with the City of Opelousas, is not regulated by the city, and does not have substantial economic interests which may be affected by the performance of his job duties as CAO for the City of Opelousas. However, Mr. Morrison should be cautioned that in the event Fenstermaker decides to seek a relationship with the City of Opelousas, he would be prohibited by Section 1111C(2)(d) from receiving compensation while also being employed as CAO. Finally, while he is employed as CAO for the City of Opelousas, both Mr. Morrison and Fenstermaker Engineering are prohibited by Section 1111E(1) from receiving compensation for assisting any person in a transaction involving the City of Opelousas.	Adopt draft advisory opinion.

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GS11	2021-719	Request for an advisory opinion from Beauregard Parish Ambulance Service Review Committee relative to a committee member's daughter working for an ambulance service that is regulated by the Beauregard Parish Ambulance Service Review Committee.	The Ethics Code would not prohibit Wayne Baggett from serving on the Beauregard Parish Ambulance Service Review Committee, however he may not participate in any transaction involving his agency that may involve Med-Express, since his daughter is an employee of Med-Express and has a substantial economic interest in the company being allowed to service Beauregard Parish. Wayne Baggett would have to recuse himself from voting and not participate in any discussion or debate under R.S. 42:1120.4. Additionally, since Kaitlyn Baggett receives income from Med-Express, she would have to file a financial disclosure statement pursuant to La. R.S. 42:1114.	Adopt the proposed advisory opinion draft.
GS12	2021-720	A Request for an Advisory Opinion, submitted by attorneys Ethan P. Arbuckle and Rhys E. Burgess, regarding whether the Code of Governmental Ethics would prohibit them from entering into an agreement with Sevy Title, LLC to provide loan closing and title services.	Based on the facts presented, the Code does not prohibit Messrs. Arbuckle and Burgess from entering into an agreement with Sevy Title, LLC. Sevy Title, LLC does not have a contractual, business, or other financial relationship with their agency, the District Attorney's Office for the Parish of DeSoto. Additionally, Sevy Title, LLC is not regulated by the District Attorney's Office for the Parish of DeSoto. Lastly, Sevy Title, LLC does not have substantial economic interests which may be substantially affected by the performance or nonperformance of either of their official duties.	Adopt the proposed advisory opinion.

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GS13	2021-722	Request for an advisory opinion from the Tangipahoa Parish School Board relative to the continued employment of a teacher who married the daughter of the school principal.	Even though Mr. Shulz was paid by LSU, he taught a Robotics Program at Hammond High Magnet School, performing a governmental function, thus becoming a public employee at Hammond High Magnet School for over five years. Because Mr. Shulz was employed for more than one year prior to his marriage to April Gaydos, he may continue with his employment as the Robotics Program teacher as well as become a full time teacher. Because Shelly Gaydos is the Principal at Hammond High Magnet School, she would be prohibited from participating in a transaction involving Karl Shulz. A disqualification plan should be presented to the Board for approval.	Adopt the proposed advisory opinion draft.
GS14	2021-723	A Request for an Advisory Opinion, submitted by Eman Williams, M.S.P.H. M.A., regarding whether the Code of Governmental Ethics would prohibit the Department of Health's ("LDH") Section of Environmental Epidemiology and Toxicology("SEET") from accepting donated children's books from the Southeast Louisiana Area Health Education Center ("SELAHEC").	Based on the facts presented, the Code does not prohibit LDH/SEET from accepting donated children's books from SELAHEC. SELAHEC cannot be a prohibited source for an agency, as the agency is not a person or a public servant. SELAHEC is only a prohibited source for a public servant who: 1) is employed by LDH/SEET; and, 2) who exercises control or owns in excess of twenty-five percent of SELAHEC. However, even if SELAHEC were a prohibited source, SELAHEC would not be prohibited from donating children's books for the CSPECE. LDH/SEET employees should take care not to solicit or accept gifts from SELAHEC, in violation of La. R.S. 42:1115.	Adopt the proposed advisory opinion.

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GS15	2021-737	Request for an advisory opinion from Ryan Aucoin, a Facility and Risk Coordinator at JCFA East Charter School and JCFA West Charter School, relative to his upcoming marriage to Millie M. Harris, Executive Director of JFCA Charter Management Organization.	It appears that Ryan Aucoin will be able to remain employed by JCFA East and JCFA West once he marries the Executive Director of JCFA Charter Management Organization. Because Mr. Aucoin has been employed by JCFA East and West for more than one year prior to his marriage to the Executive Director of JCFA Charter Management Organization he would not be prohibited from continuing employment with JCFA East and West. Ms. Harris should be cautioned as to possible participation violations.	Adopt the proposed advisory opinion draft.
GS16	2021-738	Advisory Opinion from Brent LeBlanc, Information Technologies Director for Louisiana Public Service Commission, regarding prospective employment	For a period of 2 years following his termination, Mr. LeBlanc may not assist another person, for compensation, in a transaction with his former agency. Further, any private entity in which he is an officer, director, trustee, partner, or employee, is prohibited, for that same 2 year period, from assisting a private individual or entity in a transaction, or in an appearance in connection with a transaction in which Mr. LeBlanc participated while employed by PSC. Accordingly, while Mr. LeBlanc would be prohibited from assisting Dorger in transactions with his former department at PSC, he would not be prohibited from working with Dorger on other matters. Further, as long as Dorger is working with PSC directly, his employment by Dorger would not prevent Dorger from continuing to maintain its systems currently under contract with PSC.	Adopt proposed advisory opinion.

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GS17	2021-739	Advisory opinion request regarding whether there are any conflicts of interest in connection with a nonprofit organization that honors the late son of Iberia Parish School Board Member Raymond "Shoe Do " Lewis.	1. Does the Code prohibit Mr. Lewis from being employed by GPAL? No, unless GPAL enters into transactions with, or seeks to enter into transactions with, the school system. 2. May GPAL collaborate with the school system to apply for Federal and/or State Grants? Section 1113A would not prohibit GPAL from collaborating with the school system to apply for grants, since Mr. Lewis does not have an ownership interest in GPAL. GPAL's Executive Director and/or Coordinator must handle all aspects of the transactions with the school system, as Mr. Lewis is prohibited from doing so. 3. May Mr. Lewis participate, as a member of the school Board, in a transaction involving GPAL? The exception in Section 1123(1) will allow Mr. Lewis to participate as a school board member in matters involving GPAL, as long as he receives no compensation from GPAL. 4. May Mr. Lewis participate in fundraising for GPAL at school events? Section 1115A prohibits Mr. Lewis from soliciting persons that have, or seek to have, a relationship with the school system. 5. May GPAL receive contributions from businesses that have a relationship with the school board? GPAL can, but Mr. Lewis cannot (see 4.)	Adopt draft advisory opinion.

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GS18	2021-745	Disqualification Plan for Ashley Powell, as a Licensing Specialist with the Division of Licensing in the La. Dept. of Education.	Section 1119A would not prohibit Ashley Powell's employment by LDOE within the Division of Licensing, since her sister, Yvette McDowell, is not the agency head of the Division of Licensing, and she would be supervised by Program Manager Andrea Burl. Additionally, the proposed disqualification plan meets the requirements of Chapter 14 of Title 52 of the Louisiana Administrative Code - Rules of the Board of Ethics.	Adopt the proposed advisory opinion.
GS19	2021-746	Disqualification plan submitted by Nicholls State University regarding Chemistry and Physical Sciences Professor, Dr. Chadwick Young.	Because Dr. Chadwick Young was employed with the school for more than a year at the time of the promotion of his wife, Dr. Kaisa Young, to agency head, he is entitled to continue his employment under La. R.S. 42:1119C(2). Also, the disqualification plan submitted satisfies the requirements of Section 1112C of the Code by virtue of removing Dr. Kaisa Young from all supervision of her husband, Dr. Chadwick Young.	Approve disqualification plan.